

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-1105

KENNETH LEE WALDEN,

Plaintiff - Appellant,

versus

SCOTT A. FRAME, individually and in his
official capacity; ROGER ROBINSON,
individually and in his official capacity;
CITY OF CHARLESTON, WEST VIRGINIA,

Defendants - Appellees.

Appeal from the United States District Court for the Southern
District of West Virginia, at Charleston. Joseph Robert Goodwin,
District Judge. (CA-03-225-2)

Argued: October 27, 2004

Decided: December 16, 2004

Before WIDENER, WILLIAMS, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

ARGUED: Peter Dwight Van de Vate, Knoxville, Tennessee, for
Appellant. Michael Deering Mullins, STEPTOE & JOHNSON, Charleston,
West Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Kenneth Lee Walden appeals from a grant of summary judgment awarding qualified immunity to law enforcement officers on his constitutional claims. Walden contends the officers violated his constitutional rights by conducting an illegal Terry stop.

We review the grant of summary judgment de novo. We have reviewed the record, briefs, and applicable case law on this matter, and we have had the benefit of oral argument. Our careful review persuades us that the district court was correct in finding that, under the facts presented, a reasonable officer would not have known that the officers' Terry stop was unconstitutional. Accordingly, we affirm the judgment in favor of the officers on the reasoning of the district court. See Walden v. Frame, C.A. No. 2:03-00225 (S.D.W.V. Dec. 9, 2003).

AFFIRMED